

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NOEL ARROYO-BEY,

Plaintiff,

-against-

THOMAS A. WARD (BADGE #24331); CITY
OF NEW YORK,

Defendants.

25-CV-3333 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated April 28, 2025, the Court directed Plaintiff, within thirty days, to pay the \$405.00 in fees required to file a civil action in this court or complete and submit an amended application to proceed *in forma pauperis* (“IFP”) alleging facts showing that he is unable to pay the filing fees. That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed an amended IFP application or paid the fees.¹ Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

¹ Plaintiff instead submitted a letter in which he asserts, without providing any supporting facts, that he is unable to pay the filing fees, and argues that the filing fees are unconstitutional. (ECF 6.) To the extent Plaintiff is challenging the legality of the filing fees, his challenge is without merit. The imposition of filing fees has been upheld by the United States Supreme Court. *See, e.g., Ortwein v. Schwab*, 410 U.S. 656, 656 (1973).

The Court directs the Clerk of Court to enter judgment in this case.

SO ORDERED.

Dated: June 12, 2025
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge